



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

August 27, 1942

Honorable W. K. McClain  
Criminal District Attorney  
Georgetown, Texas

Dear Sir:

Opinion No. O-4739-A

Re: Reconsideration of Opinion No. O-4739, in which the Department held that the judgment rendered by the County Court in a condemnation land proceeding was binding.

Your letter of August 15, 1942, asking us to reconsider our Opinion No. O-4739, in which we held that since the judgment in the land condemnation proceeding brought by Williamson County had been affirmed by the Court of Civil Appeals it was binding upon all parties, has been given our careful consideration.

Whether the County Court gave a correct judgment in the case is now a foreclosed question, since the Court of Civil Appeals has taken jurisdiction thereof, and has in all things affirmed the judgment as rendered by the County Court. Especially is this true since the term at which the County Court entered the judgment has long since expired, and the County Court thereby lost jurisdiction except upon a bill of review. The case having been appealed to the Court of Civil Appeals and there affirmed, is now the judgment of the Appellate Court, and that is the only court that could at this time correct any error. It would, of course, be presumptuous on our part to determine what an Appellate Court could or should do with its judgments.

As stated in our former letter, the judgment of the trial court provides that it bear interest from the date of the judgment. The plaintiff, of course, can not recover any interest to which he might have been entitled prior to that time. The judgment forecloses the rights of all parties until and/or unless the judgment is set

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aside.

We see no reason for changing our former opinion.

Very truly yours

ATTORNEY GENERAL OF TEXAS

BY

*Geo. B. Hancock*

Geo. B. Hancock  
Assistant

CVS-122

APPROVED AUG 31, 1942

*Harold G. Mann*

ATTORNEY GENERAL OF TEXAS

